UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,495	04/02/2001	Bo Shen	10006086-1	1999

7590 04/18/2006	**EXAMINER**
HEWLETT-PACKARD COMPANY	EL CHANTI, HUSSEIN A
Intellectual Property Administration	

ART UNIT	PAPER NUMBER
2157	

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/825,495	SHEN, BO
	Examiner	Art Unit	
	Hussein A. El-chanti	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 March 2006*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is RCE received on March 31, 2006. Claims 1-25 are pending

examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed.in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by

Duursma et al., U.S. Patent No. 6,643, 690 (referred to hereafter as Duursma).

As to claim 1, Duursma teaches a network configured to dynamically and

intelligently route requests for services provided by service provider servers,

comprising:

a computing device utilizing an Internet service provider (ISP) to communicate

over the network (see col. 8 lines 24-32),

an association of at least two application service provider servers coupled with

said network (see col. 8 lines 24-56 and fig. 3B, server is connected to a plurality of

application servers), said association comprising;

a first application service provider description including a first type of

application service provided by said first application service provider (see col. 8 lines

34-col. 9 lines 10, a first application server providing app#2); and

a second application service provider description including a second type of

application service provided by said first application service provider, wherein said

first type of application service is different than said second type of application

service (see col. 8 lines 34-col. 9 lines 10, a second application server providing

app#3); and

an ingress server configured to receive incoming requests for application

services from the computing device over an established network connection (see col. 8

lines 34-col. 9 lines 10, server receives client requests);

a service routing server utilizing a predetermined application criteria, to intelligently

select one of said at least two application service provider servers based on said application

request received from said computing device, and intelligently routing the computing device

application service request over the network to the selected application service provider

server to perform the requested application service (see col. 8 lines 34-col. 9 lines 52, an

application server is determined); and

an application service provider server register configured to maintain current

application service provider server information for at least one of said at least two

application service provider servers providing said application services (see col. 8 lines 34-

col. 9 lines 52, the server maintains a database with the applications and the servers that

host each application).

As to claim 2, Duursma teaches a network according to Claim 1 further comprising a qualifying device configured to intelligently qualify an application service provider server according to predetermined criteria, wherein the application service provider server may become associated with the network (see col. 8 lines 34-col. 9 lines 52).

As to claim 3, Duursma teaches a network according to Claim 2 wherein the qualifying device is configured to qualify an application service provider server based on application service quality criteria (see col. 8 lines 34-col. 9 lines 52).

As to claim 4, Duursma teaches a network according to Claim 2 wherein the qualifying device is configured to qualify an application service provider server based on application service routing criteria, and wherein the routing device includes routing code for enabling a processor to route client requests to an application service provider server by executing the routing code (see col. 8 lines 34-col. 9 lines 52).

As to claim 5, Duursma teaches a network according to Claim 2 wherein the qualifying device is configured to qualify an application service provider server based on the type of service offered by the application service provider server (see col. 8 lines 34-col. 9 lines 52).

As to claim 6, Duursma teaches a network according to Claim 1, wherein the network includes a plurality of routing devices and a router table propagator configured to intelligently propagate updates of routing tables that may exist in each of the plurality of routing devices (see col. 11 lines 13-62).

As to claim 7, Duursma teaches a network according to Claim 1, wherein the ingress server includes a routing device configured with routing code to route client requests to an application service provider server and an application service provider server register configured to maintain current service provider server information (see col. 11 lines 13-62).

As to claim 8, Duursma teaches a network according to Claim 1 further comprising a plurality of application service provider servers that are affiliated with the ingress server, wherein the ingress server, is configured to route client requests to one or more of the application service provider servers according to predetermined criteria (see col. 8 lines 34-col. 9 lines 52).

As to claim 9, Duursma teaches a network according to Claim 1, wherein the application service provider server register includes a routing table containing property information pertaining to an application service provider server (see col. 11 lines 13-62).

As to claim 10, Duursma teaches a network according to Claim 1, wherein the application service provider server register includes a routing table containing property information pertaining to an application service provider server including operation status information and type of application service information (see col. 11 lines 13-62).

As to claim 11, Duursma teaches a network according to Claim 9, wherein the routing table includes a look-up table containing property information pertaining to an application service provider server that can be looked up by the routing device (see col. 11 lines 13-62).

As to claim 12, Duursma teaches an ingress server configured to route a client

request to an application server, comprising:

a router configured with routing code to route client requests over an established

network connection to an application service provider server, said service routing server

utilizing a predetermined application criteria to intelligently select one of said at least two

application service provider servers based on said application request received from

said computing device, and intelligently routing the computing device application service

request over the network to the selected application service provider server to perform the

requested application service (see col. 8 lines 24-col. 9 lines 10 and fig. 3B, server is

connected to a plurality of application servers);

a parameter reviewer for reviewing and qualifying the adequacy of an outside server's

parameters to qualify the adequacy of the submitted parameters (see col. 11 lines 13-62);

an application service provider server register configured to maintain current

application service provider server information, said register based on the qualifying of said

outside server's parameters, said application service provider server register comprising:

a first application service provider description including a first type of

application service provided by said first application service provider (see col. 8 lines

34-col. 9 lines 10, a second application server providing app#3);, and

a second application service provider description including a second type of

application service provided by said first application service provider, wherein said first

type of application service is different than said second type of application service (see

col. 8 lines 34-col. 9 lines 10, a second application server providing app#3); and

a monitoring thread for monitoring the outside application servers performance of the

service and return of the results to the client (see col. 12 lines 47-col. 13 lines 26).

As to claim 13, Duursma teaches an ingress server according to Claim 12 further

comprising a qualifying device configured to intelligently qualify an application service

provider server according to predetermined criteria, wherein the application service

provider may become associated with a service routing network (see col. 8 lines 34-col. 9

lines 52).

As to claim 14, Duursma teaches an ingress server according to Claim 13

wherein the qualifying device is configured to qualify an application service provider

server based on service quality criteria (see see col. 8 lines 34-col. 9 lines 52).

As to claim 15, Duursma teaches an ingress server according to Claim 13

wherein the routing device includes routing code for enabling a processor to route client

requests to an application service provider server upon execution, and wherein the

qualifying device is configured to qualify an application service provider server based on

service routing criteria (see col. 11 lines 13-62).

As to claim 16, Duursma teaches an ingress server according to Claim 13

wherein the qualifying device is configured to qualify an application service provider

server based on the type of service offered by the application service provider server

(see col. 8 lines 34-col. 9 lines 52).

As to claim 17, Duursma teaches an ingress server according to Claim 12,

wherein the network includes a plurality of routing devices and a router table propagator

configured to intelligently propagate updates of routing tables that may exist in each of

the plurality of routing devices (see col. 12 lines 48-col. 13 lines 26).

As to claim 18, Duursma teaches an ingress server according to Claim 12,

wherein the application service provider server register includes a routing table

containing property information pertaining to an application service provider server (see

col. 11 lines 13-62).

As to claim 19, Duursma teaches an ingress server according to Claim 12,

wherein the application service provider server register includes a routing table

containing property information pertaining to a application service provider server

including operation status information and type of application service information (see

see col. 8 lines 34-col. 9 lines 52).

As to claim 20, Duursma teaches an ingress server according to Claim 12,

wherein the routing table includes a look-up table containing property information

pertaining to an application service provider server that can be looked up by the routing

device (see col. 11 lines 13-62).

As to claim 21, Duursma teaches an ingress server according to claim 12, further

comprising a subscription module configured to route a client request to an application

service provider server according to subscription criteria (see col. 11 lines 13-62).

As to claim 22, Duursma teaches a method for routing a client request to a

pre-qualified application service provider server, wherein such routing is performed by a

routing server having an application service provider register, comprising: receiving a

client request for an application service to be performed by an application server service

provider over an established network connection; analyzing the client request to determine the type of application service that is requested (see col. 8 lines 24-col. 9 lines 62 and fig. 3B, server is connected to a plurality of application servers);

developing a register for said application service provider, said register qualifying said application servers based on the parameters of the services provided by the application service providers said register for said application service provider (see col. 8 lines 34-col. 9 lines 52, the server maintains a database with the applications and the servers that host each application) comprising:

a first application service provider description including a first type of application service provided by said first application service provider (see col. 8 lines 34-col. 9 lines 10, a first application server providing app#2); and

a second application service provider description including a second type of application service provided by said first application service provider, wherein said first type of application service is different than said second type of application service (see col. 8 lines 34-col. 9 lines 10, a second application server providing app#3); and

checking the application service provider register for a pre-qualified application service provider server that is capable of performing the requested application service (see col. 8 lines 34-col. 9 lines 52, an application server is determined);

providing a graphical user interface for providing a choice to a user among a number of said application service providers that offer a service that is responsive to said client request (see col. 11 lines 13-col. 12 lines 62); and

utilizing a service routing server to route the request to said application service

provider, wherein said service routing server utilizes a predetermined application criteria to

intelligently select one of said application service provider servers based on said application

request received from said computing device, and intelligently routing the computing device

application service request over the network to the selected application service provider

server to perform the requested application service (see col. 12 lines 13-col. 13 lines 62).

As to claim 23, Duursma teaches a method according to Claim 22, further

comprising the step of choosing an application service provider server from a number of

application service provider servers that have been qualified by the routing server for

particular application services (see col. 8 lines 34-col. 9 lines 52).

As to claim 24, Duursma teaches a method according to Claim 23, wherein

choosing a service provider server from a number of application, service provider

servers is performed by the routing server according to predetermined subscription

criteria (see col. 11 lines 13-62).

As to claim 25, Duursma teaches a method according to Claim 22, further

including intelligently propagating router table updates to application service routing

servers (see col. 11 lines 13-62).

Response to Arguments

3.   Applicant's arguments have been fully considered but are not persuasive.

Applicant argues in substance that, A) Duursma does not disclose the applications

service perform video editing, content edition and enhancement; B) Duursma does not

disclose utilizing a predetermined application criteria to select the application provider

based on the application request received; C) Duursma does not disclose a parameter

reviewer for reviewing and qualifying a server according to the parameters.

In response to A)   Applicant is arguing Duursma does not disclose the

applications service perform video editing, content edition and enhancement. These

limitation are not found in the claims. Claimed subject matter not the specification is the

measure of the invention. Disclosure contained in the specification cannot be read into

the claims for the purpose of avoiding prior art. In re Sporck, 55 CCPA 743, 386 F .2d

924, 155 USPQ 687 (1986); In re Self, 213 USPQ 1, 5 (CCPA 1982); In re Priest, 199

USPQ 11, 15 (CCPA 1978).

In response to B) Duursma teaches a system and method for requesting by a

user an application resident on a server using a graphical user interface (see abstract).

Duursma also teaches the user sends a request to a master server to use an

application. The master server receives the request and determines a server that hosts

the application and selects a server to service the request according to user credentials

and according to server parameters such as load balancing parameters (see col. 8 lines

24-col. 9 lines 18). The claim language does not specify how the request is being used

to select an application provider and therefore the user request identifying the requested

application and the user credentials meet the scope of the claimed limitation "select the

application provider based on the application request received".

In response to C) Duursma teaches the master server receives a request from

the user to launch an application. The master server determines the load on the servers

and the application availability on each server. The master server then selects a server

to service the request according to the result of the determination (see col. 8 lines 58-65). There is no limitation in the claim what parameters are being evaluated to determine a server to service the request and therefore the the load on the servers and the application availability on each server taught by Duursma meets the scope of the claimed limitation "a parameter reviewer for reviewing and qualifying a server according to the parameters".

4.   This is a RCE of applicant's earlier Application No. 09/825,495. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hussein A. El-chanti whose telephone number is

(571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Hussein El-chanti

April 11, 2006

MOUSTAFA M. MEKY
PRIMARY EXAMINER